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STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Land Division  
Honolulu, Hawaii 96813

July 14, 2006

Board of Land and Natural Resources  
State of Hawaii  
Honolulu, Hawaii

PSF No.:06OD-060

OAHU

Withdrawal from Governor's Executive Order No. 4102 to  
Department of Land and Natural Resources, Division of State  
Parks for Kawainui Marsh State Park Reserve Purposes and  
Reset Aside to Department of Land and Natural Resources,  
Division of Forestry and Wildlife for Kawai Nui Wildlife  
Sanctuary Purposes at Kailua, Oahu, Tax Map Key: (1)4-2-  
13:portion 5.

CONTROLLING AGENCY:

Department of Land and Natural Resources, Division of State Parks

APPLICANT:

Department of Land and Natural Resources, Division of Forestry  
and Wildlife

LEGAL REFERENCE:

Section 171-11, Hawaii Revised Statutes (HRS), as amended.

LOCATION:

Portion of Government lands of Kailua, Koolau-poko, Oahu  
identified by Tax Map Keys: (1)4-2-13:portion 5 as shown on the  
attached map labeled Exhibit A.

AREA:

80.000 acres, more or less.

ZONING:

State Land Use District:  
City & County of Honolulu CZO:

Conservation  
Preservation

TRUST LAND STATUS:

Acquired after 1959

DHHL 30% entitlement lands pursuant to the Hawaii State

Constitution: NO

CURRENT USE STATUS:

Governor's Executive Order No. 4102 setting aside 165.204 acres to Department of Land and Natural Resources, Division of State Parks for Kawainui Marsh State Park Reserve purposes.

PURPOSE:

Kawainui Wildlife Sanctuary purposes.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

The Department submitted a Management Plan for Kawainui Marsh as a draft Environmental Assessment. A Finding of No Significant Impact was issued and published in the OEQC's Environmental Notice on April 23, 2000.

The Land Board at its meeting of January 25, 2002 under agenda Item D-9, approved and amended the Department's conservation district use application for Kawainui Marsh Improvements (CDUA #OA-3068B).

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost.

BACKGROUND:

The Land Board at its meeting of May 27, 1988, under agenda Item F-12, authorized the acquisition of several properties in Kailua deemed essential to protect, preserve and enhance, cultural, historical, educational and recreational values of Kawainui Marsh.

The subject property was acquired by the State of Hawaii Final Order of Condemnation (Civil No. 86-3315 dated October 4, 1990 and recorded as Document No. 91-016632 amended by Civil No. 88-3589-11 dated December 19, 1990 and recorded as Document No. 91-021050 (bearing Land Office Deed No. S-27842). Condemnation was necessary for a public use - the establishment, preservation, and protection of Kawainui Marsh as part of the Kawainui Marsh Resource Management Plan. The State paid \$2,840,882.

The Governor on March 7, 2005 signed Executive Order No. 4102 for the Kawainui Marsh State Park Reserve.

REMARKS:

Briefly, the Division of Forestry and Wildlife (DOFAW) plans to restore approximately 80 acres of wetland habitat for native Hawaiian water birds, migratory shorebirds and waterfowl, and native fish species in Kawainui Marsh. Proposed management activities will include the removal of non-native vegetation and debris and long-term maintenance activities needed to maintain the wildlife habitat and ensure the continued protection of Kawainui Marsh's ecological values. (Exhibit B)

Agency comments were solicited and the following comments were received:

DHHL	No comments
DLNR- DOFAW	Support
DLNR- State Parks	Exhibit C
DLNR- HP	No response
City DPP	No response
City Parks & Recreation	No objections
City Facility Maintenance	No objections
OHA	Support proposal and its protective intentions.

RECOMMENDATION:

That the Board, subject to Applicant fulfilling the Applicant Requirements above:

1. Approve of and recommend to the Governor issuance of an executive order withdrawing 80 acres from Governor's Executive Order No. 4102 and
2. Approve of and recommend to the Governor the issuance of an executive order setting aside the subject lands to Department of Land and Natural Resources, Division of Forestry and Wildlife under the terms and conditions cited above,--which are by this reference incorporated herein and subject further to the following:
  - A. The standard terms and conditions of the most current executive order form, as may be amended from time to time;
  - B. Disapproval by the Legislature by two-thirds vote of either the House of Representatives or the Senate or by a majority vote by both in any regular or special session next following the date of the setting aside;
  - C. Review and approval by the Department of the Attorney

General; and

- D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
3. Division of Forestry and Wildlife to work cooperatively with Division of State Parks as stated in memorandum dated may 31, 2006.

Respectfully Submitted,

*Charlene E. Unoki*

*nu* Charlene E. Unoki  
Assistant Administrator

APPROVED FOR SUBMITTAL:

*[Signature]*  
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Peter T. Young, Chairperson

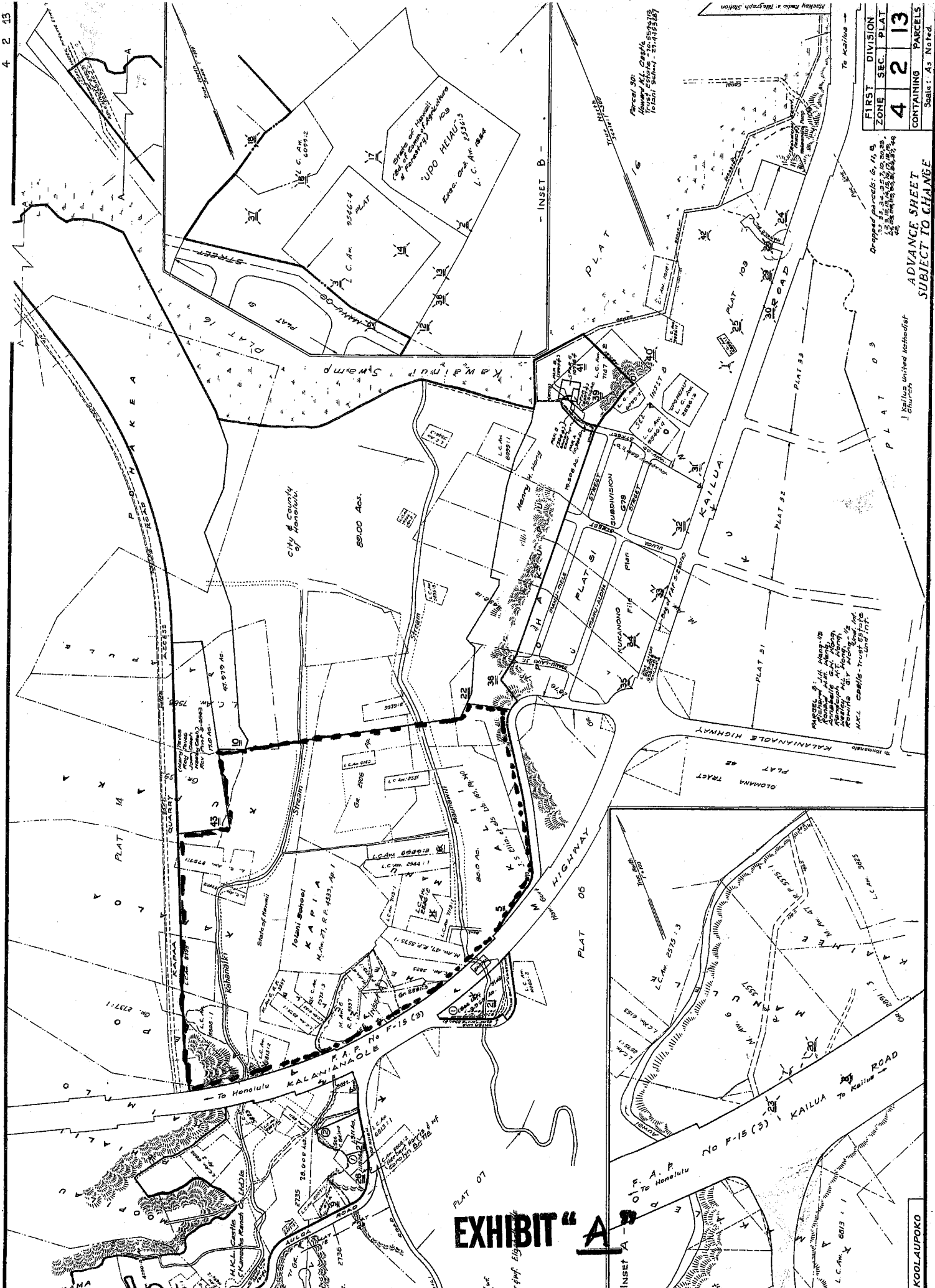


EXHIBIT "A"

FIRST DIVISION		PLAT		PARCELS	
ZONE	SEC	4	2	13	CONTAINING
					Scale: As Noted

ADVANCE SHEET  
SUBJECT TO CHANGE

Scale: As Noted

Parcel 30:  
Hawaii M. Castle  
Island School - 25-153-03

Parcel 31:  
Hawaii M. Castle  
Island School - 25-153-03

Parcel 32:  
Hawaii M. Castle  
Island School - 25-153-03

Parcel 33:  
Hawaii M. Castle  
Island School - 25-153-03

Parcel 34:  
Hawaii M. Castle  
Island School - 25-153-03

Parcel 35:  
Hawaii M. Castle  
Island School - 25-153-03

Parcel 36:  
Hawaii M. Castle  
Island School - 25-153-03

PRINTED

Scale: As Noted

Scale: As Noted

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LINDA LINGLE  
GOVERNOR OF HAWAII



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES

DIVISION OF FORESTRY AND WILDLIFE  
OAHU BRANCH  
2135 MAKIKI HEIGHTS DRIVE  
HONOLULU, HAWAII 96822

March 7, 2006

PETER T. YOUNG  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

RECEIVED  
LAND DIVISION  
DEAN KAKANO  
ACTING DEPUTY DIRECTOR - WATER

2006 MAY 11 10:00 AM  
AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
CREATION CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS  
NATURAL RESOURCES  
STATE OF HAWAII

**MEMORANDUM**

TO: Russell Tsuji, Administrator  
Land Division

THROUGH: Dan Quinn, Administrator  
Division of State Parks *Paul J. Conry*

FROM: Paul J. Conry, Administrator  
Division of Forestry and Wildlife *Paul J. Conry*

SUBJECT: Land Board Approval for Executive Orders for the withdrawal of TMK: 4-2-13: portion 5 from Governor's Executive Order No. 4102 issued to the Division of State Parks and set aside to the Division of Forestry and Wildlife for the Kawai Nui Wildlife Sanctuary

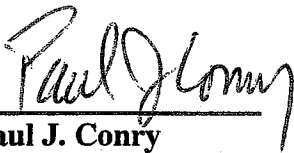
The Division of State Parks (State Parks) and the Division of Forestry and Wildlife (DOFAW) are in agreement and request your assistance in obtaining Land Board approval to have Tax Map Key: 4-2-13: portion 5, be withdrawn from Governor's Executive Order No. 4102 and set aside to the Division of Forestry and Wildlife for the Kawai Nui Wetland Sanctuary purposes. DOFAW plans to restore the approximately 80 acres of wetland habitat for native Hawaiian water birds, migratory shorebirds and waterfowl, and native fish species in Kawainui Marsh.

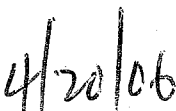
DOFAW's management activities within the sanctuary will include the removal of non-native vegetation and debris and performance of long-term maintenance activities needed to maintain the wildlife habitat and ensure the continued protection of Kawai Nui marsh's ecological values. In addition to the land transfer DOFAW will manage Revocable Permit S-6844 issued to Diamond "K" Ranch. A new agreement will be developed with Diamond "K" Ranch incorporating best management practices or is grazing management plan. DOFAW will work with State Parks and the State Historic Preservation Division to insure the preservation and protection of the cultural resources on the subject property. DOFAW will also consider any integrative educational and recreational opportunities within the subject property proposed by State Parks. We are also requesting the Board approval be subject to LCWF approval because the subject property was purchased with Federal Park monies


EXHIBIT "B"

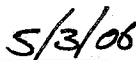
Federal grant funds from the Land and Water Conservation Fund (LWCF) were used to acquire this portion of Kawai Nui for outdoor recreation and park purposes in 1985. The 6(f) designation will be transferred with the property and DOFAW has agreed to provide outdoor recreation opportunities in conjunction with the wildlife sanctuary, such a wildlife viewing platforms and trails. The LWCF program requires that the National Park Service approve the transfer.

We respectfully request Land Board approval and recommendation to the Governor the withdrawal and set aside to the Division of Forestry and Wildlife. Should your staff have any questions, please call David Smith at 973-9786.

  
\_\_\_\_\_  
Paul J. Conry  
Administrator  
DLNR, Division of Forestry and Wildlife

  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Dan Quinn  
Administrator  
DLNR, Division of State Parks

  
\_\_\_\_\_  
Date

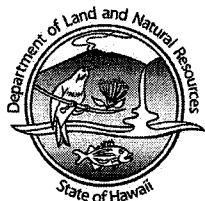
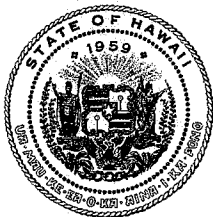
Cc: Peter Young, Chairperson

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**EXHIBIT " B "**

LINDA LINGLE  
GOVERNOR OF HAWAII



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES

DIVISION OF STATE PARKS  
POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

May 31, 2006

PETER T. YOUNG  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA  
DEPUTY DIRECTOR - LAND

DEAN NAKANO  
ACTING DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
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CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING

FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

RECEIVED  
JUN - 1 A 10: 52  
NATURAL RESOURCES  
STATE OF HAWAII

MEMORANDUM:

TO: Charlene Unoki, District Land Agent

FROM: Daniel Quinn, State Parks Administrator *[Signature]*

SUBJECT: Withdrawal of Parcel 5 from Executive Order No. 4102 to Division of State Parks and Set Aside to Division of Forestry and Wildlife - TMK: (1) 4-2-13: 5

State Parks agrees with the withdrawal of parcel 5 from Executive Order No. 4102 and the set aside of this parcel to the Division of Forestry and Wildlife (DOFAW) for the establishment of a wildlife sanctuary. DOFAW has received federal and private grant funds to initiate the wetland restoration for a waterbird sanctuary and needs control of the parcel in perpetuity to comply with the terms of the grants. DOFAW's jurisdiction over the property will also insure the long-term management and maintenance of the sanctuary.

In transferring the property to DOFAW, State Parks has requested that DOFAW comply with the following conditions:

- DOFAW will manage the existing revocable permit (S-6844) for the use of the 80 acres of parcel 5 for pasture purposes by Diamond K Ranch.
- DOFAW will insure that the property is open to the public and outdoor recreation opportunities are provided in compliance with the 6(f) status of the parcel. Land and Water Conservation Fund (LWCF) federal grant funds were used to purchase parcel 5 which established the 6(f) status.
- DOFAW will keep the local community organizations involved with Kawainui informed about their projects and will invite these groups to participate in projects that take place on parcel 5.
- DOFAW will coordinate with SHPD on the construction of the wildlife sanctuary to insure the preservation of archaeological Site 7 and encourage the restoration of the cultural landscape.
- State Parks and DOFAW will continue to work together on projects and issues as they relate to the larger interests of Kawainui.

In summary, State Parks supports the transfer of parcel 5 to DOFAW as it will facilitate the establishment of a wildlife sanctuary at Kawainui Marsh and implement the objectives identified in the 1994 Master Plan for Kawainui.

Cc: Paul Conry, DOFAW  
Chris Monahan, SHPD

EXHIBIT "C"